

# Law Enforcement News

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## R-E-S-P-E-C-T

### NYPD tells cops: To get it, you have to give it

All New Yorkers can use a little C.P.R. — that is, courtesy, professionalism and respect — according to the city's Police Commissioner Howard Safir, who on June 26 launched a new "respect campaign" aimed at reducing a chronic problem of disrespectful or verbally abusive cops.

Safir's plan, like many efforts in this direction during the past decade, includes a citizen's advisory committee, videos, new training, and even random sting operations aimed at testing and grading how police interact with the public at every level, from arrest situations to giving directions.

The Commissioner, like a number of his recent predecessors, has acknowledged the sometimes strained relationship between police and the neighborhoods they patrol, especially those in which minority groups live.

At the Stapleton housing project on Staten Island, Safir noted, police are viewed "as an occupation army."

Since taking office three months ago, Safir has made improving rela-

Review Board about rude language by police have gradually decreased, he said.

However, when complaints of profane gestures are added to reports of

helpful and gracious service from the Police Department that they have a right to expect."

Sting operations, which Safir said are still in the planning stage, will not be carried out by the Internal Affairs Bureau. Instead, the Commissioner suggested, they could be carried out by the Community Affairs Bureau, composed of officers who specialize in community relations.

Officers who show exemplary respect will be rewarded with citations and award luncheons, while those who are rude or abusive will face disciplinary penalties or be required to undergo corrective training.

Safir unveiled the new plan shortly after the human rights group Amnesty International held a news conference to release a report suggesting that police

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Random sting operations will help to gauge how police interact with the public on a variety of levels.

tions between police and the public a top priority. Unlike former Commissioner William Bratton, who said he rarely met a New Yorker who did not have a gripe about being mistreated by police at one time or another, Safir insists that 99 percent of the 38,000-member force is respectful of the public. Complaints to the Civilian Complaint

Board about rude language by police showed a slight increase in 1995 from the 2,312 complaints logged in 1994. More than half the complaints were made by black residents.

"We will instill respect at all levels of the department," he said. "This strategy will insure that communities in New York will receive the kind of

## DC's Metro police keep searching for some light at the end of a long tunnel

There's been little for Washington, D.C., police officers to smile about lately, as the beleaguered Metropolitan Police Department continues to draw harsh criticism for poor response times that police officials blame on antiquated equipment, facilities and a shrinking workforce exacerbated by last year's cut in police salaries.

Earlier this year, the myriad problems plaguing the agency raised the specter of a Federal takeover of 3,600-officer agency — an idea which, for now, appears to have been shelved. Even the city's Federal prosecutor, U.S. Attorney Eric H. Holder Jr., dove into the debate, with a two-part, op-ed article that appeared in *The Washington Post* in February.

Holder's commentary publicly lambasted Washington's leaders for cutting the agency's budget to the bare bones — from \$242 million to \$223 million in 1995 — which he said had had a "corrosive effect" on the agency. Morale has plummeted, he asserted, while arrests have dropped by more than 30 percent and the homicide clearance rate hovered at 30 percent.

Last month, Police Chief Larry D. Soulsby had some good news for the troops, announcing that the agency would be purchasing 225 new police cruisers to replace nearly 20 percent of the agency's dilapidated fleet. He added that \$15 million in new Congressional funding would allow him to hire 200 officers, whom he hopes to have in place by October, and said he is taking action to restore the 4.2-percent pay cut imposed on officers last fall.

Soulsby added that while the agency is in dire need of new officers — especially following the exodus of hundreds of officers after last year's pay cut — but that he would proceed

cautiously. A massive, Congressionally mandated hiring program in 1989 rushed many unprepared recruits onto the job without adequate training or background checks, resulting in dozens of officers being charged later with criminal offenses.

For the first time in two years, it appeared that the agency would soon have 150 new patrol cars in its fleet, when on May 8, the D.C. Council approved a measure authorizing the purchase of new vehicles. The purchase, which will cost about \$2 million, must be reviewed by the city's financial control board and two Congressional subcommittees, both of which

are believed to support efforts to bolster the agency.

Representative Thomas M. Davis III (R-Va.), who chairs the House Government Oversight subcommittee on the District, said the panel will closely review Soulsby's spending plan to ensure that "this money will not be squandered."

The department has nearly 1,300 vehicles in its fleet, but dwindling funds and rising repair bills have meant that as many as 30 percent of those vehicles are out of service at any given time. The lack of serviceable patrol vehicles is said to have contributed to

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## California '3-strikes' law loses some of its bite in court ruling

In a unanimous decision, the California Supreme Court has relaxed the state's three-strikes law by allowing judges to disregard a defendant's prior convictions if a mandatory "third-strike" sentence is considered to be cruel.

The retroactive ruling, which is estimated to effect some 16,000 people who may now appeal their sentences based on the lack of judicial discretion guaranteed in the State Constitution, is being viewed by some experts as a sign that the national trend toward mandatory sentencing has reached its limit.

California's three-strikes law, one of the earliest and most punitive of some 20 similar state and Federal laws, took effect in March 1994 and was reaffirmed by ballot initiative later that year with 72 percent of the vote. The initiative gained steam after the 1993 kidnapping and murder of 12-

year-old Polly Klaas by a paroled convict, Richard Allen Davis.

Davis was convicted of murder on June 18 and may be sentenced to death.

Critics of the law, which mandates 25-years-to-life sentences for all third-time convicted felons, charge that it is meted out disproportionately to minorities. Moreover, the fear of plea bargaining in the face of harsh sentences has led to paralyzing logjams in the courts and jam-packed jails.

Supporters, on the other hand, point to a 13.8-percent decrease in crime since the law took effect. The law also discourages parolees from remaining in California, they argue.

Since the law took effect, studies have found that twice as many defendants received tough new sentences for marijuana possession as for rape, kidnapping and murder combined.

The California high court's decision neither does away with the three-strikes law nor automatically lightens sentences. Rather, it gives judges the same discretionary power that has accrued over time to prosecutors.

"The mindless and inexorable demand for a life sentence for minor offenses has become a bit more mindful," Vincent Schiraldi, executive director of the Center on Juvenile and Criminal Justice, told *The New York Times*.

The problem with the law, said Alex Ricciardulli, a Los Angeles County public defender and consultant on three-strikes issues, is that it allows prosecutors to impose stiff sentences on third-time offenders whose crimes, though felonies, were not especially grave. One case that gained particular notori-

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## What They Are Saying:

**"I intend to keep faith with the people of California, who have every right to demand protection against career criminals and predators."**

— California Gov. Pete Wilson, reacting angrily to a state Supreme Court ruling that watered down the "3-strikes-and-you're-out" law. (6:5)



# Around the Nation

## Northeast



**CONNECTICUT** — About 80 Federal, state and local law enforcement officers swept Hartford June 5 in a roundup intended to ensure a safe summer Operation Spring Cleaning, which took place on the eve of a visit to the city by U.S. Attorney General Janet Reno, netted 40 arrests, 17 handguns, and more than \$1 million in drugs, including 10 pounds of cocaine and a one pound of crack.

An 18-month sting operation by Meriden police to crack down on theft and insurance fraud found that 30 percent of the 66 cars they recovered had been falsely reported stolen by their owners for the insurance money, and others were stolen from auto dealerships by employees.

Bristol Patrolman John Reilly recently gave detectives investigating his shooting a key piece of evidence in the case — a bullet that surgeons had removed from his body. Reilly was shot at least five times May 18 as he approached a man stepping out of his car. The suspect, Brent McCall, 26, was arrested four hours later.

The Hartford Police Department returned to full strength June 17 after a judge threatened to jail officers calling in with the "blue flu." The mass sick-out reportedly began in response to stalled contract talks.

**DELAWARE** — Gov. Tom Carper has ordered a probe of the Sussex County 911 system in response to the murder of Tamara Wiers by her estranged husband, Chris, who then killed himself. Wiers called for help June 8, a half-hour before she was killed.

A Federal grant will fund a summer-long effort to nab drunken drivers and violators of child safety seat laws. The project will link local agencies with four state troopers in setting up checkpoints.

**MAINE** — The number of troopers who enforce truck safety laws will be increased by 46 percent in response to a rise in accidents involving sleepy truckers, which took the lives of five people and injured 13 others in 1993 and 1994.

**MASSACHUSETTS** — Springfield investigators are looking into a police officer's use of pepper spray on a 78-year-old woman. The woman was one of four people charged with assault for trying to prevent an officer from arresting her grandson.

John Melson, 24, a Boston police officer, was arrested June 16 for climbing the balcony of his ex-girlfriend's apartment in Quincy, stabbing her boyfriend with a bayonet, and kidnapping her, police said.

Middlesex County prosecutors charged June 11 that State Trooper Peter LaRosa accepted at least 45 bribes totalling \$20,000 to permit dozens of illegal immigrants to obtain driver's licenses without passing road tests. La Rosa's lawyers claim that the trooper was singled out by State Police inves-

tigators resentful over a 1992 merger with the Metropolitan District Commission police and Registry inspectors. La Rosa is a former Registry inspector.

**NEW HAMPSHIRE** — Participants at the annual conference of the New Hampshire Association of Chiefs of Police, held in Concord in early June, cited weeding out bad cops and an emphasis on ethics in uniform as their top priorities for the coming year.

A Federal grand jury in Concord has indicted five Boston men on charges of engaging in 11 bank and armored-car robberies across New England. The 14-count indictment, returned in late May, includes counts of bank robbery, racketeering, conspiracy, carjacking and firearms violations. In the most recent heist, on Aug. 25, 1994, a guard was shot to death during the robbery of an armored car delivering cash to the NFS Savings Bank in Hudson.

Gov. Stephen Merrill on June 3 signed a law that will require sex offenders to give blood samples for a new DNA data base that will be used for screening and statistical purposes.

**NEW JERSEY** — The state chapter of Mothers Against Drunk Driving has announced a campaign to lower the legal blood-alcohol limit to .08 from .10. The chapter is planning to relocate to Trenton to increase its presence in the Statehouse.

In a series of raids in northern New Jersey on June 5, police seized more than a half-ton of cocaine valued at approximately \$50 million. The drugs were stashed in hundreds of plastic-wrapped packages crammed into a 5-ton, 20-foot-long metal cylinder used to press paper in pulp mills. The investigation grew out of a crackdown on Colombian drug traffickers in Queens, N.Y., officials said.

**NEW YORK** — Sweeps by New York City police in north Brooklyn and the Lower East Side of Manhattan, which have resulted in hundreds of arrests for drug sales, possession, and quality-of-life crimes, have packed the city's jails with the most inmates since 1992. As of the second week of June, jails were operating at 101 percent of capacity, holding 20,013 inmates.

Seventeen members of the Genovese crime family were arrested June 10 by New York City police and FBI agents, following Federal indictments charging racketeering, murder and conspiracy. Those arrested include Laborio (Bartey) Bollomo, the mob's acting boss, underboss Michael (Mickey) Genovese and family consigliere James Ida Vincent (The Chin) Gigante, the crime family's head, is already under Federal indictment for murder and racketeering, but his lawyers claim he is mentally unfit to stand trial. Authorities say Gigante is carrying out a "crazy act" aimed at keeping him out of jail.

The chairman of New York City's Civilian Complaint Review Board, David M. Zornow, resigned in early June, one month before he was expected to be appointed to a second two-year term. Aaron R. Marcu, a CCRB board member, was chosen by Mayor Rudolph Giuliani to take over as acting

chairman. Zornow, a former Federal prosecutor who had worked for Giuliani in the United States Attorney's office, was seen by many as someone who could appeal directly to the Mayor for extra staff. But several associates said Zornow had been disappointed by his inability to use his friendship with Giuliani to attract budgetary and moral support for the CCRB, especially as civilian complaints rose. The board has 60 investigators, 20 fewer than what its members say are needed.

Suffolk County officials are crediting a high starting salary, the removal of the age limit of 29, and stepped up recruitment for the sharp surge in the number of people who took the county police officer examination June 8. The county's Civil Service personnel office said 41,600 people took the police test, compared to roughly 15,000 to 20,000 people who took the test in previous years.

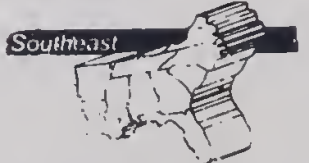
New York City police officers Lenvert Nicholson, 26, and Chrisone Whitehead, 29, have been charged with criminal possession of a forged instrument, grand larceny and theft of services in connection with the use of "cloned" cellular telephones to make thousands of dollars worth of illegal calls.

**RHODE ISLAND** — The wife of Providence police detective Jeffrey Hornoff testified June 2 that her husband was home asleep during the time he is accused of beating to death his lover, Victoria Cushman, with a fire extinguisher.

A Providence police officer who fabricated a story about an assailant shooting him was sentenced June 5 to six months in prison. Prosecutors said Officer Alfred Jimenez shot through his own shirt and pants leg to look like a hero.

**VERMONT** — Within the next two months, the Vermont Anti-Racism Action Team plans to have a statewide, confidential hotline operational for the victims of bias incidents.

The Vermont Center for Justice Research reported June 5 that 68 percent of sex offense convictions statewide involve crimes against minors. Sex-crime convictions have nearly tripled since 1986.



**ALABAMA** — Gadsden narcotics detective Billy Vasser has been placed on paid leave after failing a lie detector test about an incident involving an attempted river rescue. The Gadsden Times reported in mid-June. Vasser and another officer jumped into the Coosa River to save a drowning child after receiving an anonymous tip, but only came up with a tiny shirt. Last July, Vasser and other officers reported being ambushed on a drug investigation sparked by an anonymous phone call. Later, an anonymous letter from someone claiming to be a police officer said the entire incident was a hoax.

Former Huntsville Police Chief Sal

Vizzini was reportedly jailed June 9 on charges of breaking into a house and cooking himself pasta.

**ARKANSAS** — The prosecuting attorney for Saline, Grant, and Hot Springs counties, Dan Harmon, was charged June 13 with assaulting his former wife, two sheriff's deputies and a newspaper reporter.

Prison officials are reviewing security procedures after a nurse at the Department of Corrections Pine Bluff Unit was reportedly raped and assaulted by an inmate. The attack occurred when the nurse found herself alone in the infirmary with an inmate who asked for penicillin. After attacking the woman, the inmate escaped out the fire escape, walked around the building, and reentered through the kitchen. While a panic button in the infirmary can be used to call for help, it was not within reach. One option being discussed is the use of a "body alarm" that personnel can carry on them. The alleged assailant was transferred to a maximum security unit.

Wackenhut Corrections has been contracted by the state to build and run two prisons. The \$37-million building cost will then be spread over 20 years.

**FLORIDA** — Gov. Lawton Chiles on June 11 signed the Jimmy Ryce Act, a bill that will require schools to provide immediate information to detectives that may help locate a missing child. Schools will be required under the law to specially mark a missing student's records and keep track of requests made by individuals to obtain those files. In addition, the law requires police to notify residents when a convicted rapist moves into a neighborhood, and authorizes the creation of a hotline so parents can check whether a person is a sexual predator. Convicted sex offenders are prohibited from working or volunteering anywhere children congregate. The law is named after a 10-year-old who was abducted and killed last year.

A rookie Metro-Dade police officer, Donald Nanni, 24, was relieved of duty June 2 after allegedly soliciting two undercover officers posing as prostitutes.

A study released June 12 by the Florida Family Council found that the state's children face greater risk of juvenile crime, teen pregnancy, and other problems than they did 20 years ago. An increase in the number of single-parent households was cited.

**GEORGIA** — A woman who claims she was raped by a corrupt Atlanta police sergeant has hired a nationally recognized expert to bolster her argument that top police officials intervened to protect Sgt. Larry Hall from the charges. James D. White, a lawyer and former police officer who now teaches criminology and criminal justice at Florida State University, found that the supervisor in the sex crimes unit "had no training whatsoever in the psychological trauma of rape victims," that investigators pressured the victim to drop her charges, and that police documents and investigatory notes were destroyed or lost by sex crimes and internal affairs investigators. The unidentified woman's lawsuit against the city and the Police Department charges

that Hall pressured her for sexual favors and eventually raped her three times in 1993, and that her complaints about Hall were intentionally ignored. Hall was sentenced in early June to 24 months in Federal prison on corruption charges.

A two-year-old program that allows motorists with cellular telephones to call a toll-free number and report drunken drivers has been deemed an unqualified success. Over the Memorial Day weekend, 375 calls to the Georgia State Patrol hotline — \*GSP — produced 21 arrests.

Superior Court Judge Don A. Langham has declared the state's child abuse registry unconstitutional because it bars suspected child abusers from appealing their inclusion in the registry to the Georgia Supreme Court. Officials are said to be scrambling to find out what the ruling means for the registry, which has collected 37,000 names since it was begun in July 1991.

A man charged with conspiring with two central Georgia Militia members to stockpile bombs surrendered to authorities May 28. Troy Allen Kyser, 28, was indicted on charges of organizing a "special operations team" that would be sent to Washington in the event that any action was taken against the group. This group would be responsible for and trained to assassinate politicians starting "at the highest level," according to the indictment.

Three men posing as police officers broke into a Duluth home May 28 and fled with \$700 in cash and a safe. William Marmoleto and Maria McLendon were watching television when the men, wearing ski masks and black shirts with the word "Police" stamped in block letters on the front, broke in.

The state's "two-strikes" crime bill was upheld June 3 by the state Supreme Court. The law requires life without parole for people convicted of a second violent felony.

A 62-year-old grandmother, Dorothy E. "Queenie" Jones, was sentenced to 41 months in prison and two years probation for trying to smuggle cocaine to her 38-year-old boyfriend, Antonio Rosado, who is imprisoned at the Federal penitentiary in Atlanta. Officials said Rosado tried to hide the 38 grams of coke in his waist-length dreadlocks.

**MISSISSIPPI** — A former Columbus police officer who was fired for falsifying a report lost his appeal to the Civil Service Commission June 12. Mark Ballard was fired April 30 for failing to mention that his cruiser had hit a motorcycle it was chasing.

**TENNESSEE** — Two convicted sex offenders are challenging a state law that requires them to register as sex offenders upon their release from prison. J.B. Flye, serving 30 years for rape, and Ralph Huntley, serving 20 years for aggravated sexual battery, claim that when they are released, their debt to society will have been paid.

State officials said June 16 that prison inmates are three times more likely than the general population to contract HIV. Among 13,494 prisoners, 120 have the virus.



The state is expanding a number of prisons and planning the construction of several others to accommodate an inmate population expected to grow by 33 percent by 2004.



**ILLINOIS** — A new law that would increase penalties for older drug dealers who use youths to peddle drugs was proposed June 17 by Gov. Jim Edgar. The Governor also announced that \$800,000 had been earmarked for community group anti-drug programs.

Bloomington police have been asked by Mayor Jesse Smart to step up patrols near predominantly black churches in the city to discourage copycat arsonists inspired by the torching of black churches in the South.

A jury has ordered the City of Chicago to pay \$1.6 million to the family of a 13-year-old boy who was shot dead by the 14-year-old son of a police officer using his father's service revolver. Although jurors were unanimous in the size of the verdict, which was announced May 24, they were divided as to whether Officer Daniel Crocker was working as an agent for the city of Chicago when his son stole his weapon April 12, 1991, and shot Joseph Gaffney. Attorneys for Gaffney's family argued that Crocker had a legal duty as a police officer and employee of the city to safely store his weapon. They also showed that the city had no formal policy on how officers should store their weapons when their shifts end.

The president of the Chicago Fraternal Order of Police, Bill Nolan, said May 28 that if the city wants to avoid protests outside the Democratic National Convention in August, it had better try to reach a contract agreement with police by then. The city's offer earlier this year of a 1.5-percent pay increase was flatly rejected by the union, which pointed to the 36-percent pay increase City Council members voted for themselves.

Three telemarketing firms that pitched support for local police and firefighters are being sued by the office of state Attorney General Jim Ryan for allegedly keeping between 70 and 90 cents of every dollar donated. The companies — Telemarketing Associates Inc. of River Grove, Diversified Associates Inc. of Hinsdale, and Rude Way Enterprises Inc. of Arlington Heights — are accused of fraud and failing to register as charitable solicitors. Telemarketing Associates allegedly kept 90 percent of \$300,000 it raised in 1995 for the Midwest Police and Sheriff's Association, while leading contributors to believe that the money would go toward drug prevention, youth groups and other causes.

**INDIANA** — State conservation officers participating in a Boating While Intoxicated Task Force stopped 190 boats and made six alcohol- and drug-related arrests during the weekend of June 15-16.

The St. John Town Council approved a measure June 12 that will fine

parents \$15 for fraudulent 911 calls made by their children. Repeat violations will generate fines of \$25 to \$50.

**KENTUCKY** — In an agreement with BellSouth Mobility of Lexington, Jessamine County began lending cellular phones to domestic-violence victims in early June.

**MICHIGAN** — A state Court of Appeals ruled June 16 that Parole Board members may not be held liable for any offenses committed by inmates after they are paroled.

A 21-bill package of juvenile justice laws was signed June 11 by Gov. John Engler, giving the state what he says is one of the nation's toughest juvenile justice systems. The package includes provisions that add armed robbery, carjacking, kidnapping and arson to the list of offenses for which prosecutors may ask that juveniles be charged as adults without refusal.

Impact Weekend, an alternative to jail for drunken drivers, celebrated its first anniversary in Novi in early June. Of 206 drivers who have completed the program, none have been charged with subsequent DWI offenses.

**OHIO** — A reverse discrimination lawsuit challenging Cleveland's affirmative action hiring program for police was dismissed June 12 by a Federal judge.

Cleveland Mayor Michael R. White said May 30 that the city will purchase 1,700 new bulletproof vests and require all patrol officers to wear them while on duty. A group of business leaders will try to raise about half the \$850,000 cost of the vests, White said.

The state Supreme Court on June 5 upheld a law that suspends the driver's licenses of drug-law violators whether or not the vehicle was used in the offense.

**WISCONSIN** — Under a new program launched in Waukesha June 17, repeat drunken drivers will be treated for alcoholism for two weeks while they're serving work-release jail terms. Eight inmates have voluntarily enrolled.



**IOWA** — State Farm Insurance is offering to provide fire officials with a dog that would be trained to sniff out accelerants in suspected arson cases.

**MINNESOTA** — Prompted by the escape in May of three inmates through a ventilation system, Becker County Sheriff Tom Hunt has closed down part of the jail and increased staffing.

The widow and baby daughter of slain St. Joseph Police Officer Brian Klinefelter are having a house built for them with the help of donations from home builders and law enforcement officials. Klinefelter was killed Jan. 29 by robbery suspects.

Seventeen new Minneapolis police officers are being funded by the Jus-

tice Department's Office of Community Oriented Policing Services. The Federally funded rookies were part of a class of 48 that graduated June 13.

**MISSOURI** — A Cole County inmate who won \$4.3 million in an injury-related settlement before being convicted of first-degree murder was ordered by a judge to pay \$97,724.61 for his room and board in jail. The inmate, Daryle Gilyard, who had to have both legs amputated after they were crushed in an on-the-job accident, was jailed for the 1988 killing of a boyfriend friend during a botched drug deal.

**MONTANA** — Corrections Department officials are said to be planning to ask the state Legislature for a \$60-million budget increase to deal with the state's growing criminal population. In another development, correctional officials are expected to ask the Legislature to ban hanging as an execution option. It is complicated, costly and outdated, they said.



**COLORADO** — Dramatic population growth is being blamed by Fort Collins police and a local criminologist for an equally dramatic rise in crime. Between 1990 and 1995, violent crime rose by 29 percent, and property crimes grew by 16 percent. During the same period, the city's population grew by 17 percent, and that growth was cited as the main factor affecting crime rates by Prabha Unnithan, a sociology professor and coordinator of the criminal justice program at Colorado State University. Fort Collins grew from 87,758 residents in 1990 to 102,571 currently, according to city estimates, and Unnithan said that when a city's population reaches 100,000, crime seems to shoot up. "It's not like at 100,000 things go to hell in a handbasket, but there is an acceleration somewhere around there."

The Colorado Supreme Court earlier this month overturned the conviction of two men found with a bale of marijuana in the trunk of their rental car. The court's 5-2 opinion reversed a ruling by the Montrose County District Court, which said a state trooper's search of the vehicle was justified and the marijuana acceptable as evidence. James L. Brackett and George R. Litchfield were stopped on May 13, 1991, when their vehicle was seen weaving on a highway north of Montrose. Trooper Robert Keith Hoey, noticing that the car had Florida plates, pulled it over. Hoey found two rental agreements, both unsigned and out of order, and searched the car and the trunk, where he discovered the marijuana.

The Colorado Supreme Court on June 10 held that a law prohibiting evidence of a rape victim's sexual history also applies to the victim's sexual orientation.

**OKLAHOMA** — Twenty-five more people died in traffic accidents in the state in May — a total of 73 — than during the same period last year, the Department of Public Safety reported

June 17. Of those who died, officials said, only 10 were wearing seat belts.

Tulsa Police Officer Dick Hohson died in an apparent ambush June 10, and a second officer was wounded, as the police searched a dark alley after a restaurant robbery. The suspected gunman was killed.

Activists for rape victims are calling for changes in the state's rape laws following an appeals court ruling in early June that found the first-degree rape statute does not cover drunk, unconscious victims.

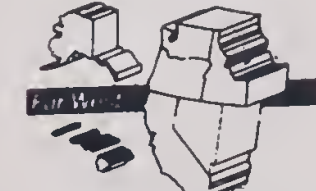
**TEXAS** — FBI agent Charles K. Knox, 44, was arrested in Memorial Park in Houston May 30 for allegedly exposing himself to an undercover officer.

Suspended San Antonio Police Officer Gregory Wayne Brooks, who is on trial for murder, testified May 28 that he fatally shot a motorist three years ago because he feared for his life. Brooks claimed that Keith Uecker, 35, swung his pickup truck around so that it was coming straight at Brooks's car. A prosecution witness, however, said that he saw Brooks's vehicle speed up to Uecker's truck before the shot was fired. Uecker, whose blood-alcohol content showed he had been drinking, had been convicted twice before on alcohol-related charges and was not supposed to be driving. This is Brooks's second trial; the first ended in a mistrial with a deadlocked jury.

A Beaumont jury ruled May 30 that Liberty County Sheriff O.J. Stewart and county commissioners Lee Groce and Melvin Hunt conspired to fire two former deputies for trying to form a union, and slapped the defendants with a \$1.5-million judgment. In 1994, former narcotics captain Tom Davenport and former juvenile officer Gerald Bagwell accused the county of denying them their right to free speech and assembly. Both Bagwell and Davenport were members of the fledgling Liberty County Association of Deputy Sheriffs and Corrections Officers.

The Department of Criminal Justice said in June it is adding 113 parole officers, bringing to 1,178 the number of officers who monitor 75,000 parolees in 67 districts.

**UTAH** — A University of Utah study released June 13 found prosecution rates for violent crimes fell to 45 percent from nearly 65 percent following the Supreme Court's Miranda decision in 1966. Critics of the study by law professor Paul Cassell, however, charge there are too many variables to accurately assess Miranda's impact.



**CALIFORNIA** — A Riverside police dispatcher, Kelly Monteleone, has been credited with saving the life and the foot of Valente Ayala after the 2-year-old was run over by a lawn mower.

One person was killed and 12 were injured when a van carrying at least 20 illegal immigrants missed a turn and

crashed into three parked cars in Honey Springs. Border Patrol agents had watched the van run a stop sign, but had not given chase, in accordance with no-pursuit rules intended to prevent fatal crashes.

The San Jose City Council is considering banning the sale of "Saturday Night Special" handguns. The city attorney has warned, however, that such a ban may violate a state law giving the Legislature sole right to regulate guns.

Los Angeles Mayor Richard Riordan and the City Council are locked in a political battle over a proposed police hiring plan, with the council voting to cut back on hiring. Riordan vetoing the cutback, and the council then mustering the votes needed to override the veto. By an 8-7 vote on May 21, the council cut the proposed number of new police hires in fiscal year 1996-1997 from 710 to 450, thus making the city ineligible for \$19.5 million in Federal matching crime funds. The council also diverted \$12 million of the \$40 million Riordan had recommended for police overtime.

The Oakland City Council, police officials and the police officers' union have agreed to a plan aimed at increasing street patrols by 50 percent by lifting a hiring freeze and filling 90 vacancies. Three academy classes will be held in the next year to bring in new recruits. The department will also civilianize positions to free more officers for street duties. In addition, the city will be divided into 57 community policing zones, in which officers will work with residents.

All 86 Los Angeles police recruits who graduated June 7 are being funded by the U.S. Office of Community Oriented Policing Services.

Prompted by a \$15.9-million civil judgment, the Los Angeles County Sheriff's Department has taken a new approach to teaching a state-mandated cultural awareness course to recruits — using the Simon Wiesenthal Center's Museum of Tolerance. The Sheriff's Department hopes the training will stop the civil judgments it has been forced to pay because of hostility. The 1995 judgment, which the department is appealing, stems from a case in which a number of Latinos attending a bridal shower in February 1989 were allegedly beaten and subjected to racial slurs by deputies.

**HAWAII** — Former Big Island police chief Victor Vierra has called for an investigation into a \$4-million contract for a computerized police and fire dispatch system. Some officials are reportedly claiming that the county violated state purchasing laws.

**NEVADA** — Joseph Balie, 41, was convicted June 11 in Reno of trying to blow up the Internal Revenue Service building there last December. Balie's bomb, a fertilizer-and-fuel device, did not explode.

**OREGON** — Charles Loreman, 12, is facing auto-theft charges after leading police on a high-speed chase June 9. The boy survived several rollovers and a head-on crash during a pursuit that reached speeds of 105 miles per hour, according to police.



## COPS' tops

After two one-year terms as national president of Concerns of Police Survivors, a support and advocacy group for the families of slain police officers, Sue Lange decided against running for re-election.

Lange recently handed the organization's reins to Sharon Felton, whose husband, Tom, a member of the Sussex County, Va., Sheriff's Department, was killed in 1989 when his patrol car was struck by a train while responding to an emergency call.

Felton has served a year as the Northern Seaboard Trustee for COPS, and at the time of her election was also the director of the Old Dominion Chapter of COPS in Virginia.

Felton said she plans to attend law enforcement conferences this summer and look forward to doing what she can to help other families who have suffered a line-of-duty death.

Lange's husband, Claremont, Minn., Police Chief Gregory Lange, was killed in the line of duty in 1988. She explained her decision to step down by saying that she wanted to move her life in a new direction.



## Better to light one candle:

Thousands of police survivors and others gathered in Washington, D.C., in mid-May for a candlelight vigil to honor the nation's fallen police officers. For one organization of police survivors, recent weeks have also brought a changing of the guard. See story at left.

## Lost & found

After being absent without leave for two days in June, Recon, a \$4,500 Belgian malinois purchased for the Butte-Silver Bow County, Mont., Police Department for drug detection, was finally found.

The lean, 70-pound K-9 had run away June 20 after being chained to a tree outside a residence. Police, led by the dog's handler, Det. Jerry Stradinger, sifted through dozens of possible sightings, and even conducted a helicopter search to look for the newest member of the department — all to no avail.

Finally, a Butte couple found the dog in their backyard on June 22 and, recognizing him as the wayward police dog, led him into their garage and held him there until police came.

The 5-year-old dog was donated to

the department by the Masons of the Masonic Temple of Butte. Recon was just getting used to his new surroundings and had not even been out on his first case when he made a quick exit.

Butte-Silver Bow Sheriff John McPherson said Recon was in good condition, but had a cut on his paw that would be looked at by a veterinarian.

## Heavy medal

At 5-feet 7-inches and 165 pounds, Det. Michael Hinrichs might not be the biggest cop in the New York City Police Department, but he is certainly one of the toughest, as well as one of the most decorated.

Hinrichs, 33, has already received 172 medals in his 12-year career, including two of the coveted Combat Crosses and one Medal of Valor. And, according to police sources cited in The New York Post, he may be in line for a third Combat Cross.

A Long Island native with a wife and two young sons, Hinrichs has been in four blazing gun battles. "Things happen to certain people for reasons that are sometimes hard to figure," he explained. "I don't know if it's fate or being in the right place or the wrong place at the right or wrong time."

Hinrichs was awarded his two Combat Crosses for slaying armed-

robbery suspects in two separate incidents. The Combat Cross is second in prestige only to the Medal of Honor, which is usually awarded posthumously.

The first incident occurred on Sept. 23, 1989, when Hinrichs was still a uniformed patrol officer assigned to the 67th Precinct in Brooklyn. He and Officer James O'Meara were stuck in traffic when they saw two armed men fleeing a robbery. The gunmen had already shot a victim. Both officers chased the gunman, who shot at them. The officers returned fire and killed the suspect. Later, the officers learned the suspect was wanted for fatally stabbing a witness on the steps of Brooklyn Supreme Court. Hinrichs was shot in the back while exchanging fire, but was not seriously wounded.

His second Combat Cross was

awarded in 1992 after for an incident in which Hinrichs and Officer Christopher Higgins exchanged fire with a suspect moments after a robbery in East Flatbush. Hinrichs was grazed by a bullet. Two other officers joined in the shootout and killed the suspect. Higgins, who received powder burns from the suspect's gun, was also awarded a Combat Cross.

In 1990, Hinrichs and Higgins were both awarded Medals of Valor after killing a suspect who was engaged in a gun battle with a gas station attendant.

Two years ago, Hinrichs was promoted to detective after 10 years as a patrolman and undercover officer. He joined the force in 1984 after passing the exams for New York City and Nassau and Suffolk counties. The Nassau and Suffolk departments would have

offered better-paying jobs, but Hinrichs says he would never leave the city.

"The challenges and diversity — there's no other city like it," he said. "I'm happy working in the city — I never want to leave."

**It's your space:**  
LEN's "People & Places" section welcomes contributions of police-related human interest stories from readers. Send submissions or clippings to the editor, and please include a daytime telephone number for verification.

## Celester out, Santiago in Newark names new top cop as old one is indicted

Seven months after he was suspended in the midst of a Federal corruption probe, Newark, N.J., Police Director William R. Celester has been named in a wide-ranging indictment charging him with several counts of malfeasance, including mail and wire fraud, tax fraud, accepting illegal gratuities, making a false statement and forging documents.

Celester, a former high-ranking Boston police official who was named to head New Jersey's largest police department in June 1991, was officially dismissed by Mayor Sharpe James on June 26, a few days after Federal prosecutors announced the 37-count indictment. In his place, James appointed Deputy Chief Joseph J. Santiago, formerly the agency's top corruption-fighter, who now becomes its first Hispanic police director.

Celester had been under suspension since Nov. 13 after Federal investigators searched his home and office seeking evidence to support allegations that he funneled Police Department funds for his personal use. During that time, he was reassigned as a mayoral aide, overseeing a project to reduce violence in the city's public housing projects. Police Chief Thomas C. O'Reilly took over the day-to-day running of the 1,300-officer department in the interim.

Specifically, Celester is accused of defrauding the city over a 44-month period of about \$30,000 that was to have been used for confidential and special investigations, allegedly diverting the money for his personal use. Also under investigation were a number of parties held in Celester's honor that raised tens of thousands of dollars, much of which allegedly went to the former director.

Celester, who has denied any wrongdoing, described the money as "gifts." He also has denied charges that police officers and city businessmen were pressured to buy \$100 tickets to a party marking his second year in office — a gathering in which he reportedly received up to \$10,000.

Celester pleaded not guilty at an arraignment on June 27, said Richard Lavinthal, a spokesman for the office of U.S. Attorney Faith Hochberg. His trial is due to begin Sept. 4 at the U.S. District Court in Trenton.

Santiago, the city's newest Police Director, is a 27-year veteran who most recently was in charge of the internal affairs unit. With a reputation as a tough but fair police commander, Santiago said rebuilding the department's battered morale would be his first order of business. He also pledged to take "decisive action" within 30 days to improve the delivery of police services.

"The department is here to provide

a service and we have not been doing that," Santiago told The New York Times shortly after his appointment was announced. "I am going to develop a program of patrol emphasis — of putting people on the street to deal with 911 calls and with quality-of-life crimes.... The biggest challenge and the biggest change will be in philosophy."

Slow response times to calls for service — or no response at all — are a major complaint against the department. Last October, Newark residents voting in a non-binding referendum indicated by a 2-1 margin that the department was doing a poor job. Santiago said he hopes to solve the longstanding problem by assigning more officers to street duty, revising the command structure and rewarding officers who show initiative.

Santiago joined the Newark Police Department as a cadet in 1969 at age 17. He left the department briefly in the early 1990s to serve as Essex County's public safety director. During that time, Santiago was convicted of assaulting a jail officer involved in a dispute with his fiancée. In 1995, Santiago was convicted in municipal court of using abusive language to a lieutenant who failed to follow orders, in a case that currently is under appeal in Superior Court.

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# Violence Against Women Act passes constitutional muster

Over the challenge of a man whose wife claims she was systematically terrorized during their 17-year marriage, a Federal district judge in New Haven, Conn., has upheld for the first time the constitutionality of the Violence Against Women Act of 1994, a Federal law that makes gender-based crime a civil rights violation.

The decision clears the way for a lawsuit by the woman, listed in court papers as Jane Doe, who charged that her husband repeatedly beat her, threatened to kill her, and threw household objects at her. Her suit claims he treated her like a "slave" and forced her to perform all manual labor.

Lawyers for Doe's husband called the civil rights law, which allows both men and women to file civil suits for gender-based crimes, "an open and sweeping invitation to the Federal Government to intervene almost at will in almost any area of anyone's life."

Doe said she lived as a recluse from November 1993 to April 1995, "imprisoned in the house against her will, in continual and agonizing pain, with daily physical and mental torture."

But after reviewing the four-year legislative history of the law and the conclusions that Congressional committees made before reaching a vote, U.S. District Judge Janet Bond Arterton found the law "narrowly tailored

and reasonably adopted to accomplish a constitutionally permitted end."

Prior to the passage of the act, which was part of the 1994 omnibus anti-crime law, the only recourse available to victims of domestic abuse would be to file state charges in cases of rape and sexual assault. The Federal statute gives women more legal options, said lawyers.

It "complements" these legal remedies, said Arterton, "by recognition of a societal interest in insuring that persons have a civil right to be free from gender-based violence."

Expanding protection for victims of domestic abuse was appropriate, the judge said, because the House of Representatives had "found that both existing state and Federal criminal laws were inadequate to protect against gender-based violence."

Both the Justice Department and the NOW Legal Defense and Education Fund filed friend-of-the-court briefs in support of Doe's argument. Doe's lawyer, Deborah S. Chang, called Arterton's decision important, "especially for thousands and thousands of women who've been holding their breaths because of the importance of the statute."

Norman Pattis, the husband's lawyer, called Arterton's decision "frightening," because it upheld the idea that

domestic violence was covered by the commerce clause of the Constitution. Pattis likened the Violence Against Women Act to a 1990 law that made possession of a firearm within 1,000 feet of a school a Federal crime. That law, the Gun-Free School Zones Act, was struck down by the Supreme Court which held it to be an impermissible violation of the commerce clause.

"The problem with Judge Arterton's decision is it falls prey to the Humpty-Dumpty syndrome," Pattis told *The New York Times*. "Congress can point at whatever it likes and, voila, it becomes commerce. If that's the case, what's the limit of Federal power?"

According to a Senate report quoted by Arterton, however, women who are victims of gender-based crimes are prevented from "full participation in the national economy." The report said that they are often forced to quit jobs to escape from abusive spouses, and move into quarters they cannot afford. They also often face health care expenditures because of injuries.

In her court papers, Doe claims her husband had threatened her with a loaded shotgun on a "weekly basis." He had also refused to have sex with her since 1982 and had had affairs with at least 50 women, said Doe's complaint, and a longtime relationship with a woman described as his mistress.

## Be careful how you secure your gun — a thief may sue

Gun owners are legally responsible for safely using and securing their weapon or they can be sued by thieves injured while trying to steal the firearm, the Montana Supreme Court ruled June 27.

The ruling does not rewrite state law or public policy, said Justice James C. Nelson, but merely restates that gun safety laws apply to anyone, regardless of who is hurt. The law is no less demanding, said the five-member majority, whether the victim is a burglar, an innocent bystander, or an inquisitive child.

Under state law, the owner of a firearm whose use or storage of a weapon leads to injury has long been liable to a civil suit. "We suspect that the public and gun owners would be more surprised to learn that owning a gun does not include a responsibility and a duty to store and use the weapon in a safe and prudent manner," wrote Nelson.

The ruling stems from a case in which 11-year-old Robert Strever was fatally shot in the head while participating in the burglary of an unlocked pickup truck.

Strever was one of four boys who stole items from a vehicle belonging to Tom Susanj in May 1992. One of the items taken was a .22-caliber semi-automatic pistol.

One of the boys, Steven Cline, 14, had been smoking marijuana and was waving the gun in the air. While he attempted to remove the ammunition clip, the gun discharged, killing Strever. Cline was convicted of negligent homicide.

Susanj and the other boys were sued by Strever's mother, who charged they all shared responsibility for her son's death. When a court ruled in favor of Susanj, Jolleen Strever ap-

pealed.

The state Supreme Court's ruling was part of a unanimous decision to absolve Susanj of blame in Strever's death. While agreeing with Mrs. Strever that Susanj had a duty to the public to safeguard his firearm, the court's majority said he was not to blame for Strever's death.

Susanj could not have foreseen that his truck would be burglarized, or that a boy smoking marijuana would handle a loaded weapon found in the vehicle, the justices said.

The court divided on the question of whether Susanj had a responsibility

to make sure his gun could not harm anyone else. "I acknowledge that we live in a society in which many innocent people are victims of crimes," wrote Chief Justice Jean A. Turnage. "However, if we have reached a stage in our society in which all of us are under a legal duty to foresee that our homes and property will be burglarized, we as Montanans are indeed living in perilous times."

Turnage and Justice Charles "Chip" Erdmann called the ruling "bad public policy" and predicted a rash of lawsuits from burglars injured while stealing guns.

## Probation is no panacea, Texas study says, as many felons still land in prison

Nearly 30 percent of convicted felons who were given a second chance under Texas law and sentenced to probation wound up in prison anyway, according to a three-year study by the state's Criminal Justice Policy Council.

Tracking 3,772 felons from 1991 to 1994 in the Texas's six largest counties, researchers found that those under 21 convicted of drug and property offenses were the most likely to get into new trouble. Violent and sexual offenders were the least likely to be given probation as well as the least likely to be rearrested, the study showed.

Under state law, a judge has the option of suspending the sentence of first-time offenders and releasing the offender under certain conditions, such as maintaining a job, staying away from certain people or refraining from the use of alcohol. If the conditions aren't met, the offender can be sent to

prison on the original charges without a new trial.

While Dallas followed the state average with 30 percent of its released offenders subsequently serving time, it fared much better than other comparably sized counties, including Harris, which includes Houston, where 46 percent of released offenders ended up incarcerated, Travis County (Austin), with 38 percent, and Tarrant County (Fort Worth), with 37 percent.

El Paso County had the best record, with only 19 percent failing to meet the conditions of their probation.

"It's a reflection that if we're going to put people in the community such as younger people with drug and property offenses, we have to pay more attention to them," said Tony Fabelo, executive director of the policy council, an arm of the Legislature.

Fabelo told *The Dallas Morning*

## "Violence report card" offers no pass/fail option

### Second straight 'D' average for nation's violence-control efforts

The nation received a C, a D-, an F and a D+ this year on the "violence report card" prepared by the American Medical Association — the second straight year in which anti-violence efforts earned only a D average.

The AMA's annual National Report Card on Violence gives grades in four categories — family violence, sexual assault, public violence, and violence in entertainment — and is based on statistical trends, public attitudes, treatment and prevention programs.

In 1995, 1,215 children died from child abuse or neglect, and more than 1 million senior citizens suffered some form of abuse, the AMA said, awarding a grade of C for family violence. In addition, the report said, disputes that began at home carried over to 60,000 cases of workplace violence.

The nation got a D- for sexual assault, which the AMA called a "silent epidemic" because an estimated two-thirds of sexual assaults are never reported. Some studies have indicated that many teen-agers consider rape to be the victim's fault.

The grade for violence in entertainment was raised to a D+ this year, up from a D the year before, with the AMA citing public awareness, the recent Federal telecommunications act and the industry's plans for a voluntary ratings system.

Public violence, meanwhile, earned an F from the AMA, which noted that even though homicide rates are declining, juvenile crime and gun ownership are up. According to a study by the Centers for Disease Control, from 1992 to 1994 there were 105 deaths associated with school, in-

The top score: a C for family violence.

cluding 85 homicides and 20 suicides. Seventy-six of the victims were students, the rest were staff and outsiders. Eighty-one were killed with guns, the study said, while 18 were killed with knives.

Overall, some 6,000 school-age children die from homicide or suicide each year. "The most common identified motive was dispute, which could have been interpersonal, romantic, one over money or property or over a sporting event," said Dr. Gail Stennies of the CDC's National Center for Injury Prevention and Control, who published her findings in the *Journal of the American Medical Association*.

The second most common motive was gang activity, followed by random violence and suicide.

Because fewer than one-third of the school-associated deaths happened inside school buildings, the researchers said that many of the common steps taken to reduce school violence, including random locker searches, security cameras and metal detectors, would have had relatively little impact.

In a separate study, published in *Morbidity and Mortality Weekly Report*, Stennies and her colleagues found that among 15- to 24-year-olds, the homicide rate rose by 16 percent per year from 1985 to 1991. Gun-related deaths among this age group went up at an annual rate of 23 percent.

Moreover, the researchers said, the proportion of all homicides involving firearms has grown from 60 percent in 1985 to 72 percent in 1994.

compared with the \$44.50 a day spent on a prison inmate.

In addition, Fabelo recommended the strategic use of state jails, which are secure, dormitory-like facilities for nonviolent offenders, and state prison units dedicated to anti-drug and alcohol treatment.

"Now that we don't have a prison [overcrowding] crisis, it's time to look at how we can better integrate state jails and substance abuse prisons," he said.

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# AMA shelves report urging drug-decrim

A report prepared for the American Medical Association has been shelved after outraged members protested that the study called for the legalization of marijuana and the removal of all criminal penalties associated with illegal drugs, including buy-and-bust operations by police.

A draft of the study, conducted by the AMA's Council on Scientific Affairs, was circulated to the American Psychiatric Association, the American Society of Addiction Medicine and the American Academy of Addiction Psychiatry. In a joint letter to the AMA, officials of the three groups urged the association to reconsider the study, saying that the report raised serious policy concerns and that many of its recommendations were ideologically based.

The study's primary author, Dr.

John Morgan, a professor of pharmacology at the City University of New York Medical School, said officials had asked him to write a report discussing harm reduction, which he defined as helping addicts minimize the danger to themselves while not insisting that they stop using drugs.

Morgan was assisted by Lynn Zimmer, a sociologist at City University's Queens College, and Ethan A. Nadelmann, the director of the Lindesmith Center, a New York-based think tank that promotes liberalized drug policies. Morgan said that the AMA's policy-making body, the House of Delegates, had used much the same language on harm reduction that he used in some of the resolutions in his report.

"The AMA has not been quick to own important issues in drug policy,"

Nadelmann told The New York Times. In other countries, he said, doctors have played a greater role in changing attitudes about drugs.

Among the assertions in the report, a copy of which was obtained by The Times, is that neither criminal penalties nor treatment programs have substantially deterred drug use. The study argues that "under all circumstances, participation in drug treatment should be voluntary." In some cases, drug users are offered treatment in lieu of jail time.

In addition to voluntary drug treatment, the report also recommends that "moderate steps toward drug decriminalization be taken" in order to counter what the authors call "the clearly negative consequences of the present prohibition status." The greatest harm reduction, said Morgan, "would be to

stop putting people in jail."

The report suggests that marijuana "should be decriminalized, and a mechanism created for retail sales to those 18 years of age and older." It also recommends that "use, possession and low-level sales of all psychoactive drugs should be a subject of police action only when these activities are associated with a disruption of public order." All buy-and-bust operations should cease, the report urges.

While the report does not specify which drugs, besides marijuana, should

be legalized, it does not appear to exclude heroin and cocaine. Dr. Herbert Kleber, a psychiatrist and medical director of the Center on Addiction and Substance Abuse at Columbia University, maintained that the report was shelved once AMA members realized it recommended drug legalization.

"It is my understanding that the AMA was not aware this was being put together by someone whose writings were clearly in favor of legalization," he said.

## Va. group draws fire over plan to publicize convicted felons

The effort by a nonprofit group in Springfield, Va., to publicize the names of convicted felons living in Northern Virginia has drawn criticism from the American Civil Liberties Union — and even some prosecutors — who contend that the practice could lead to cases of mistaken identity and thwart people's efforts to rejoin society.

Les Fettig, a computer consultant and newspaper columnist who founded the First Stone Foundation, spent two years persuading state officials to give him the names and addresses of people released from prison or on probation who were living in Arlington or Fairfax counties or in Alexandria. The group provides the information by mail or fax to anyone who requests it, and is also planning to post it on the Internet, said Fettig. While such information is already available as public information, it usually has to be looked up in government offices.

The foundation only has information about people convicted in Virginia courts, leading Fettig to dream of expanding to a multi-state system. He wants communities to know where convicted felons lived, he said, because "repeat offenders are the overwhelming engine of crime in America, [and] the community's right to protect innocents comes first."

Fettig will release the names and addresses of everyone convicted of serious crimes against people and property, including robberies and sex offenses.

Proponents of the effort claim that

parents and others need to know when someone who is a potential danger to themselves or their children is living nearby, but critics are concerned that such information could lead to vigilantism.

"At least in law enforcement, we have fingerprints and Social Security numbers to verify who is a felon," said Alexandria Commonwealth's Attorney John E. Kloch, who fears that people with names similar or identical to those of people with criminal records might be confused with felons.

Mary Jane DeFrank, of the Washington area ACLU, told The Washington Post, "We're concerned about what people do with the information." Felons elsewhere in the country "have been beaten up or their house has been burned down," she said.

But notifying communities about convicted felons, especially sex offenders, has achieved an unmistakable popularity. A Federal version of a "Megan's Law," named for a New Jersey girl who was raped and murdered by a convicted sex offender living nearby, was signed into law in May by President Clinton.

In March, a group of parents persuaded the Fairfax County School Board to move a bus stop so that children would not be close to a convicted sex offender.

"We need to let parents know if someone poses a risk to their children by locating in their neighborhood," said Katherine K. Hanley, chairman of the Fairfax Board of Supervisors.

## California court eases '3-strikes' sentencing

Continued from Page 1

ety involved a defendant whose third-strike was the theft of a piece of pizza.

By denying judges their traditional authority over sentencing, the court held, the separation of powers guaranteed in the state Constitution is violated. The justices noted that granting sole power to disregard previous convictions to prosecutors, who are part of the executive branch, effectively allowed them to determine sentencing.

The ruling stemmed from a San Diego case in which a Superior Court judge disregarded the previous convictions of a repeat offender charged with possessing a small quantity of cocaine base, so that the defendant could plea bargain. The prosecutor

objected and appealed the judge's ruling, claiming he lacked that right.

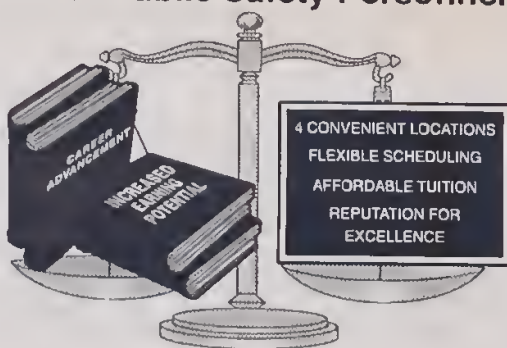
The court's decision infuriated Gov. Pete Wilson who pledged to find some way to amend the law or seek a referendum that would restore its clout. "Those who repeatedly assault our citizens, terrorize our elderly and prey upon our children must pay a severe price for their crimes," the Governor said. "I intend to keep faith with the people of California who have every right to demand protection against career criminals and predators."

Experts said, however, that it would be difficult to counteract the court's action through new legislation, because the ruling is based on the constitution.



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# Little things do count

From isolated scraps of evidence come solutions in 2 high-profile NYC cases

New York City police investigators were beside themselves over their good fortune in following up on leads that resulted in murder charges against two suspects accused in separate sprees of violence that terrorized the city.

Fingerprints taken from 22-year-old John Royster following his arrest earlier this year for subway fare-beating gave detectives the break they needed to charge him with the murder of Evalin Alvarez, 65, who was brutally beaten to death in the early-morning hours of June 11 as she prepared to open her Park Avenue dry-cleaning business.

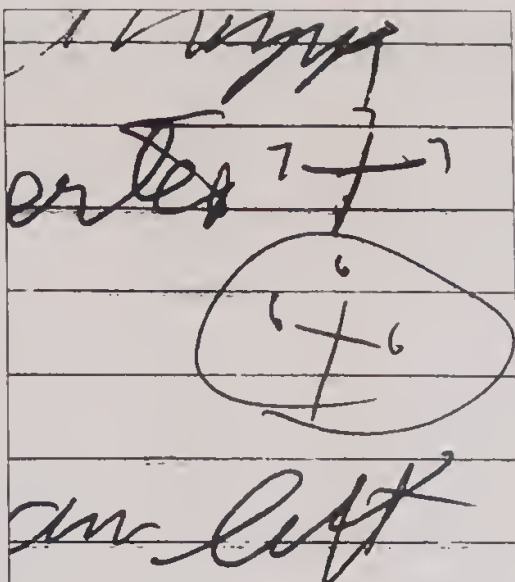
Royster was apprehended by police at his Bronx apartment June 12 after investigators matched partial fingerprints left at the scene of the Alvarez slaying with prints taken from Royster after he was arrested for subway fare-beating last March. The prints — included in the record of Royster's only arrest — would be expunged, but the file remained open because he had failed to show up for the one day of community service he was sentenced to perform.

Det. Charles Schinkel of the Latent Prints Section at Police Headquarters made the match, submitting a partial print taken from Alvarez's leather bag and another from the bloodied window of her shop to the Automated Fingerprint Identification System headquartered in Albany. The AFIS, which matches prints of suspects submitted by police to the 3.2 million prints already on file from previous criminal cases, matched the partial prints found by police to those submitted by Royster after his fare-beating arrest.

"It's gratifying to know you can get a guy off the street before more damage is done," said Schinkel, a 12-year NYPD veteran who has spent the last decade in the print section. "Any identification makes me feel better — I guess the more heinous the case, the better I feel."

After he was apprehended, Royster admitted his involvement in a weeklong series of crimes that began with the sexual assault and beating of a concert pianist in a brazen daytime attack in Central Park on June 4 that left her in a coma for over two weeks, a similar sexual assault and beating of a woman crossing a footbridge on the Yonkers-New York City boundary on June 7 that also left her in a coma, and an unpublished beating of a woman jogging in a park along the East River two days after the Central Park attack.

Prosecutors say they plan to pursue the death penalty for Royster if he is convicted. At press time, Royster was being held at a psychiatric prison ward where he was undergoing a 30-days evaluation to determine whether he was competent to



A cross crowned by three 7s, found at the bottom of a suspect's confession, let police know they had nabbed the Zodiac killer.

stand trial.

It wasn't fingerprints but a mysterious symbol left on a confession by a Brooklyn man who kept cops at bay during a three-hour shootout that led to his being linked to a series of shootings and stabbings allegedly carried out by a self-proclaimed "Zodiac" killer in the late 1980s and early 1990s.

Heriberto Seda, 28, who blasted his neighborhood with fusillades of bullets before police convinced to surrender — and turn over three bucketfuls of homemade firearms — was linked to a series of shootings and stabbings that left three people dead, injured several others and terrorized New York in the early 1990s. In letters to *The New York Post* that were sprinkled with mysterious signs and symbols, the Zodiac claimed to be the similar-monikered killer that terrorized San Francisco in the late 1960s and early 1970s. Like his San Francisco counterpart, the sender of the letters mocked police

for failing to capture him.

The shootout began after Seda, who reportedly was angered by his sister's involvement with an alleged drug dealer, shot her in the back, then barricaded himself in his bedroom where he engaged in a shootout with as many as 50 police officers on June 18. Once in custody, Seda submitted a written statement about his role in the shootout that included several mysterious scrawls and symbols.

One symbol in particular — an inverted cross overlapping a circle surrounded by three sevens, one at the top and two at the sides of the cross — caught the attention of one sharp-eyed detective who had persuaded Seda to give up but who also had worked on a now-disbanded task force set up to snare the Zodiac killer years before.

His suspicion and memory jogged by the symbol, Det. Sgt. Joseph Herbert compared it to several letters the alleged Zodiac killer sent to *The Post* during his terror spree, which occurred in 1989 and 1990 before resuming again in 1993 after a two-year lull. "It just jumped out of the page," Herbert said. "I nearly fell off my chair."

"The way he wrote his s's and t's, the way he had all these words underlined, I knew it in a second," Herbert, who is assigned to the 75th Precinct, told *The New York Times*. "He even put his little symbol."

At his arraignment June 21, a Bible-clutching Seda, who is said to be devoutly religious and often gave tips to police about neighborhood drug dealers, was charged in four attacks in Queens that were attributed to the Zodiac. Charges are pending in separate Zodiac attacks that occurred in Manhattan and Queens.

Seda might have been linked to the Zodiac killings several years before, police disclosed this month. Seda was arrested in March 1994 after plainclothes officers assigned to the Street Crime Unit noticed what looked like a gun barrel sticking out of clothes. Prints of his index finger were taken and sent to the State Division of Criminal Justice to compare to those on file — including two partial prints left by the Zodiac at a Central Park crime scene and on a letter to *The Post*.

But when police ballistics workers determined that the gun found on Seda was inoperable, the charges of criminal possession of a handgun were dropped — and the prints destroyed under a state law that calls for the destruction of fingerprint records when a case is terminated in favor of the defendant.

## A Ford in policing's future:

# The end draws near for Caprice cruisers

The demise of General Motors Corp.'s Chevrolet Caprice sedan, the roomy, rear-wheel-drive car beloved by law enforcement agencies nationwide, has forced police to go shopping for a successor. And the new winner in the \$1.4 billion market for police cruisers and other vehicles — indeed, the only viable contender — appears to be the Ford Crown Victoria.

"When the Caprice goes, that will leave the Crown Vic as the sole remaining, rear-wheel-drive, domestic car for police use," Wayne Cosner, fleet manager for the Virginia State Police, told *The Washington Post*. "We're going to have to go with the Crown Vic."

Rear-wheel-drive cars are just better, said Cosner, whose agency scooped up 90 of the remaining 1996 Caprices to augment an existing fleet of 2,500 vehicles. "They have more space, better road performance, better comfort, and they offer more protection for our troopers in crashes than smaller, front-wheel-drive models."

While police loved the Caprice, which for years has been the No. 1 car for police agencies, the general public was nowhere near as enamored. GM also plans to shelve the Chevrolet Impala SS, Buick Roadmaster and Cadillac Fleetwood — all rear-wheel drive models based on the Caprice frame. GM is converting its Caprice assembly

plant in Arlington, Texas, to produce pickups and sport-utility vehicles, which represent 42.4 percent of all new vehicles sold in this country.

Ford, the only domestic company now producing the kind of cars police agencies like, already commands a solid share of the police vehicle market, last year selling about 34,000 of the estimated 72,000 vehicles bought by police departments. GM sold another 35,000, while Saab-Scania AB supplied its 9000 model to depart-

ments in Vail and Aspen, Colo.

With the phaseout of the Caprice, Ford expects to supply police with an additional 18,000 cars this year.

But GM should not be counted out just yet. Another best-seller among police agencies is the Chevrolet Lumina, a front-wheel-drive vehicle with a 160-horsepower V-6 engine.

Robert Rose, director of fleet management for the Metropolitan Police Department in Washington, D.C., said the department is buying 150 Crown

Victorias because it could not get any more 1996 Luminas. The Lumina may be smaller than the 210-horsepower V-8 Crown Vic, Rose said, but in its police version it is every bit as safe and reliable.

"We've tested the Lumina and found that it does very well," Rose told *The Post*. "Besides, you've got to remember that price is our primary consideration in the District. The Crown Vics are more expensive."

The Lumina, Rose believes, will

also be easier to maintain and cheaper to fuel than the Crown Victorias.

GM is also pushing its Chevrolet Tahoe, a sport utility vehicle that will eventually be produced at the plant that made the Caprice. "We got calls from Federal agencies, state police and municipal police departments scattered across the country, and could have taken thousands of orders for police Tahoes" if the company had a place to build them, said Chevrolet general manager John G. Middlebrook.

# Bogus 100's are nearly picture perfect

A former Japanese Red Army terrorist being sponsored by the North Korean government may be the mastermind behind the nearly perfect counterfeit \$100 bills that began showing up in Thailand last January, investigators say.

Yoshimi Tanaka, 47, whose whereabouts had been a mystery since he and eight other radicals hijacked a Japanese airliner in 1970 and sought asylum in North Korea, was captured in Cambodia last March after a car chase.

Tanaka, who was due to stand trial in Thailand earlier this month, is charged with "possession and use of counterfeit dollars." The money-laundering and counterfeiting scheme, according

to Cambodian, Thai, and South Korean investigators quoted in *Newsweek*, was intended to infuse some cash into North Korea's failing economy.

The bills were discovered after two men walked into a photo shop in the Thai resort of Pattaya and showed a stack of 90 \$100 bills to the owner, who also ran an underground money-changing operation. The owner, who considered himself an expert on detecting counterfeit American currency, paid 225,000 Thai baht for the bills. Only later did he realize that he had been had by men passing nearly perfect counterfeit \$100s.

The bills were alarmingly good, using the same paper as the United

States, and with differences so minute they would be detectable only by an expert or by using an ultra-sensitive scanning machine.

On the hills printed in North Korea, called "Super K" bills in Japan, Benjamin Franklin's right hip turns up in a tiny smile. Two sets of lines on the Super K also either fail to meet or run together when they should run parallel.

While the U.S. Treasury continues to churn out new \$100 bills with an enlarged portrait of Franklin and micro-printed words, among other changes, Japanese currency expert Yoshihide Matsumura said he expects to see counterfeits of these new \$100 bills

cropping up in Asia within the next few months.

Although the U.S. has no hard evidence that the Super K bills are printed in North Korea, the hills are different than the high-quality currency thought to be manufactured in Iran, Syria and Russia. "Judging by all the supporting evidence, they are most likely made in North Korea," said Matsumura.

For his part, Tanaka has denied any wrongdoing, calling his arrest a frame-up and an American conspiracy. But investigative sources and North Korean defectors say the Super K bills are produced at a secret plant in Pyongyang and shipped abroad in diplomatic bags.



Schmoke:

## Drug-policy innovation, Baltimore style

By Kurt L. Schmoke

In early May, a deadly drug cocktail made its appearance on the streets of East Baltimore. The drug had been marketed as heroin and sold under the nicknames "Homicide" or "Super Buick." What purchasers got was not heroin at all, but a combination of an anti-motion sickness drug, a common cough suppressant, and a mixing agent — all in a concentrated dose.

Three people died after taking this nuxture; 50 others were taken to area hospitals with overdoses. The side effects of the deadly cocktail ranged from heart attacks to such violent, agitated behavior that one user had to be restrained by eight security guards.

The whole episode resulted from the perverse "test marketing" of cynical drug dealers. They came up with a new product and they were out there on our streets trying to determine whether people were going to die from it or get high.

It also was a commentary on the dangerous allure drugs continue to hold for so many, despite all of our well-intentioned anti-drug messages. As difficult as it is to believe, I learned from public health workers that when some addicts learned of the bogus drug's violent and lethal effects, their reaction was, "Where can I get it?"

This horrific episode also graphically illustrates why the medicalization approach to the war on drugs makes sense. Just as alcohol prohibition in the 1920s and early 1930s led some determined drinkers to imbibe anything, no matter how potentially lethal, so it is with drugs today.

A new, more rational drug policy based on a medicalization approach would take the profit from street-level drug dealing, and with it the incentive to sell dangerous or adulterated substances masquerading as the "real thing." If drugs were distributed through the public health system by medically trained personnel, and not on street corners by callous, cynical thugs, we'd see an end to the kind of episode Baltimore recently experienced — as well as an end to the vicious drug wars that have wreaked such havoc on our inner cities. Medicalization would also open up legal avenues for drug addicts to get the

kind of treatment and counseling that could help them break their addictions.

Eight years ago, I called for a new look at the way our nation deals with the growing crisis of drugs and drug-related violence in our communities across the country. When I've talked about the war on drugs before various groups, I've usually started with these three questions:

¶ Have we won the war on drugs?

¶ Do you think we're winning the war on drugs?

¶ Do you think doing more of the same will allow us to win the war on drugs in the future?

Then as now, I don't believe we can answer "yes" to any of them. That is why I continue to argue for a new national drug-control strategy based on a medicalization approach, and not primarily law enforcement. The problem of substance abuse should be in the hands of the health professions, not policemen.

The alternative that I favor would be part of a public health strategy in which the government would set up a regulatory process to pull addicts into the public health system. The government, not criminals, would control price, distribution, purity and access to addictive substances, as it already does with prescription drugs. This approach would take most of the profit out of drug trafficking, and it is profits that drive the crime.

The addicts would be treated — and, if necessary, maintained — under medical auspices. Street crime would go down. Children would find it harder, not easier, to get their hands on drugs, and law enforcement would concentrate on the highest echelons of drug trafficking.

I formed the Mayor's Working Group on Drug Policy Reform in 1993 in Baltimore to recommend medicalization policies that could be initiated. This group made several important recommendations, the first being to set up a pilot needle-exchange program. We could not begin the program without a change in the state's drug-paraphernalia laws, and in two previous years legislators had been reluctant to go along, fearing they would be accused of condoning drug use. But in 1994 we were finally able to win over the

legislators. The bill allowing Baltimore to establish a pilot needle-exchange program passed in large part because we explained that needle exchange is an AIDS-prevention measure.

AIDS is now the No. 1 killer of young adult men and women in Baltimore. At least 65 percent of new AIDS cases are intravenous drug users, and another 10 percent are their spouses and children. AIDS also has a disproportionate impact on African Americans. A recent report noted, for example, that among people who inject drugs, blacks are almost five times more likely than whites to be diagnosed with AIDS.

So we have a major public health emergency in Baltimore that requires public health solutions, and we also have the facts to back up our strategy. In study after study, needle-exchange programs have been shown to be effective.

Baltimore's needle-exchange program began in August 1994, and has been far more popular than we anticipated. After the first 18 months of operation, it already had 3,900 registrants who had made more than 22,000 visits to the program's two vehicles and exchanged more than 365,000 needles. Today Baltimore has the largest government-run needle-exchange in the nation.

I'm confident that over time, the program will demonstrate reduced rates of HIV infection among the participants. The program is also cost-effective. The program will cost about \$300,000 to serve an estimated 7,500 addicts by the end of 1996. The cost to the state of taking care of just one adult AIDS patient is approximately \$102,000. If you protect three addicts from being infected and you've already saved money.

Baltimore has 48,000 heroin and cocaine addicts (about 35,000 are injecting users), but only 4,900 treatment slots. We must do better. That is why I have asked President Clinton to fund 10,000 slots in Baltimore and two other cities to test the hypothesis that treatment will reduce crime, be cost-effective and decrease substance abuse. That Federal support, however, has not yet materialized, and I'm not holding my breath.

For the past few months, I have been meeting with a panel of political, business, education,

medical and religious leaders to come up with a dramatically new strategy to reduce drug addiction and drug-related crime in Baltimore. This group has drawn up an ambitious \$26-million plan that calls for doubling the size of treatment programs for drug addicts in Baltimore, and has called on the private sector to help fund it in partnership with the state and Federal governments. Especially significant is that the group wants to make it easier under state and Federal laws for physicians to dispense methadone from private offices and existing health clinics.

The pressure to act boldly and swiftly on this issue is twofold. First, we must stop the deadly spread of AIDS. Second, we must stop drug-related crime that is costing the Baltimore area \$3.75 million a day and is so detrimental to our quality of life.

Two other related strategies now being implemented in Baltimore have an impact on our emerging drug-policy plans. Our police commissioner announced this year that he would direct officers to concentrate on seizing guns and major drug distributors, de-emphasizing arrests for simple possession of small quantities of drugs. That was a controversial decision, but he's held tough on this issue, and has become an important and valuable voice in this debate.

We've also just finished our second year of Baltimore's drug court, in which judges order participants into treatment instead of prison. A recent report shows that we're clearly heading in the right direction, with participants substantially less likely to be arrested for new crimes than they would have been without the program.

Those of us who have been advocating a public-health approach to drugs have often been demonized. We've been accused of everything from wanting to set up Federally subsidized "Drugs R Us" stores on street corners to contributing to the "genocide" of African American men. This kind of alarmist rhetoric is diminishing, and there is growing evidence that the public's view on how to deal with drugs is changing.

One example from Baltimore: A local judge in 1994 convened a grand jury to look at the problem of drugs in our city. Here were 24 citizens — non-policy wonks, non-bureaucrats — whose lives have been impacted by drug abuse within their families or neighborhoods. These people came to the conclusion that what we're doing is not working, and that we should look at decriminalization or a medicalization model.

We have come a long way with implementing our innovative drug policy in Baltimore, but we still have a long way to go, and there's just so far cities can go without major changes in the Federal drug policy. Still, I remain firmly convinced that attacking drug abuse as a public health problem is the right approach. There simply is no way we can prosecute our way out of the drug crisis, and it's time we faced that truth.

Victor Hugo once wrote, "An invasion of armies can be resisted, but not an idea whose time has come." Medicalization is such an idea, and together we can develop a more realistic, responsible and, ultimately, more humane approach to the problem of drug abuse in this nation.

So let the debate continue.

(Kurt L. Schmoke is the Mayor of Baltimore, and a former prosecutor. This article is adapted from a speech given May 21 before the New York Society for Ethical Culture.)

### Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

PAUL HARRIS  
FOR THE COMMERCIAL APPEAL  
AND GAZETTE





# Supreme Court OK's asset forfeiture

Civil forfeiture, the Brady Law and patient-therapist confidentiality were among the issues facing the U.S. Supreme Court in June, as part of a month-long flurry of rulings that signaled the Justices' annual race to adjournment.

## Forfeiture isn't punishment

The two-pronged tactic of prosecuting one for a defendant and seizing his property through civil forfeiture, long a key element of the Government's strategy for handling narcotics crimes, was upheld June 24 when the Court ruled that the practice does not constitute double jeopardy.

The civil-forfeiture tactic is an attractive one for the Government, since it does not require the high standard of proof needed for a criminal conviction, and can even be imposed without a criminal conviction.

Writing for the majority, Chief Justice William H. Rehnquist said that ordinary civil forfeiture is not a punishment. It has certain punitive aspects, he conceded, but it serves nonpunitive goals, such as encouraging property owners to make sure their property is not being used for illegal purposes.

The Court's ruling overturned two Federal appellate decisions that had declared civil forfeiture to be a violation of the Fifth Amendment's proscription of multiple punishments for the same offense. Hundreds of convictions or forfeitures had been imperiled by the appellate rulings.

In the first of the paired cases, all

nine Justices agreed that the two defendants had no right to the hundreds of thousands of dollars in cash that they had accrued as the proceeds of a major methamphetamine and money-laundering operation. In the second case, Justice John Paul Stevens cast the sole dissenting vote.

The case involved a Michigan man who forfeited the value of his house because he had processed marijuana there. The forfeiture, Stevens said, was plainly punitive, because "there is no evidence that the house had been purchased with the proceeds of unlawful activity, and the house itself was surely not contraband."

Using the majority's theory, Stevens noted, Congress could have called for the forfeiture of every house where liquor was found during Prohibition. Stevens accused the majority of turning its back on several recent Supreme Court decisions that had limited the Government's discretion in using civil forfeiture.

Rehnquist dismissed one such decision, *Austin v. the United States*, a 1993 case in which the Court ruled that forfeiture could be considered a form of punishment within the context of Eighth Amendment's protection against excessive fines. Rehnquist maintained that the Court had never treated the excessive-fine prohibition "as parallel to, or even related to" the Fifth Amendment's Double Jeopardy Clause.

The majority opinion was joined by Justices Sandra Day O'Connor, Anthony M. Kennedy, David H. Souter, Ruth Bader Ginsburg and Stephen G.

Breyer. Justices Antonin Scalia and Clarence Thomas filed separate concurring opinions in which they argued that double jeopardy applies only to successive criminal prosecutions for the same offense, not to multiple punishments.

## Privileged information

The National Association of Police Organizations and the International Association of Chiefs of Police are among those basking in the glow of a solid legal victory, after the Supreme Court on June 13 agreed with their position in a case that will create a new evidentiary privilege between mental health professionals and their patients.

By a vote of 7-to-2, the Court held that Federal courts must allow psychotherapists and other mental health professionals the right to refuse disclosure patient records in criminal and civil cases.

The case stems directly from the efforts of a licensed social worker to keep the counseling records of her patient, former Hoffman Estates, Ill., police officer Mary Lu Redmond, out of a Federal civil rights case brought by the family of a man Redmond had killed in the line of duty. While the new privilege will be applied generally, the law enforcement context was found particularly persuasive by the Court.

"This case amply demonstrates the importance of allowing individuals to receive confidential counseling," said Justice John Paul Stevens. "The entire

community may suffer if police officers are not able to receive effective counseling and treatment after traumatic incidents," he said, "either because trained officers leave the profession prematurely or because those in need of treatment remain on the job."

William J. Johnson, NAPO's general counsel, hailed the Court's ruling, which upheld a ruling by the U.S. Court of Appeals for the Seventh Circuit. "In today's violent society, it is just as important for officers to have access to effective counseling, the privacy of which is respected by all, as it is for them to wear bulletproof vests," Johnson said.

Justice Scalia dissented from the creation of what he called "a privilege that is new, vast, and ill defined." Such a privilege, he opined, would interfere with the truth-finding function of the courts and cause them to "become themselves instruments of wrong."

## Brady Law in their sights

To date, Federal appellate courts have been divided on the issue of whether the Brady Law makes unconstitutional demands on local sheriffs by forcing them to conduct background checks on prospective gun buyers. On June 17, the Supreme Court agreed to settle the matter.

At issue is whether the law, formally known as the Brady Handgun Violence Prevention Act, violates the 10th Amendment, an obscure provision of the Bill of Rights that reserves for the states those powers not explicitly given to the Federal Government.

The amendment comes into play in the issue because of a 1992 Supreme Court decision, *New York v. United States*, that interpreted the provision as forbidding the Federal Government to "commandeer state governments into the service of Federal regulatory purposes."

In his appeal to the Court, Ravalli County, Mont., Sheriff Jay Printz argued that making local sheriffs carry out the Federally mandated background checks is such a form of commandeering. Under the 10th Amendment, Printz noted, Congress may not "conscript local law-enforcement officers to enforce Federal criminal laws."

In a 2-to-1 decision last September, the Ninth Circuit Court of Appeals in San Francisco upheld the Brady Law's

provision, ruling that the precedent in the 1992 case, which involved the disposal of low-level radioactive waste, was so different as to have little relevance.

The Brady Law, said Judge William C. Canby Jr., imposes a minimal obligation on law enforcement officers that is not out of keeping with the type of work they perform.

However, Sheriff Printz, in his appeal, noted that in order to live up to the mandate imposed by Brady, he would have to transfer some of his 14 officers from patrolling the 2,400-square mile county to perform background checks on the customers of some 169 licensed gun dealers.

The Ninth Circuit and the New York-based Second Circuit have both upheld the law, while the Fifth Circuit in New Orleans has struck it down.

## Drunkenness loses its appeal

In other end-of-the-term decisions by the Court, the Justices reinstated a Montana law that prohibits criminal defendants from using drunkenness as a defense, and upheld a new law that will make it more difficult for death-row inmates to file appeals in Federal court.

In the Montana case, the Court divided by a 5-to-4 margin in affirming the conviction of a man, James Egelhoff, whose blood-alcohol level was three times the legal limit when he was found with gunpowder burns on his hands and his two friends dead of gunshot wounds in a ditched car.

At Egelhoff's trial, the jury was instructed that they could not consider the defendant's drunkenness when deciding if he was guilty. His 84-year sentence, however, was overturned by the state Supreme Court that ruled the Montana law violated the U.S. Constitution by keeping out information that related to his knowledge of the crime.

With regard to the new law aimed at speeding executions, the Court unanimously rejected an argument by Georgia death-row inmate Ellis Wayne Felker that the law usurps the court's powers.

The 1996 law requires an inmate who loses his first round of Federal appeals to get permission from a three-judge panel to start again. If that fails, the inmate can appeal directly to the Supreme Court.

## Letters

### Case closed

To the editor:

Enclosed please find an order dismissing the case *Farr v. Kustom Signals Inc.* without prejudice, but with several conditions that must be met should plaintiff decide to refile her case. Even though Judge Joseph F. Anderson Jr. agreed to allow the dismissal without prejudice, I am sure the conditions opposed upon refiling will make it extremely unlikely that Mrs. Farr will ever refile her case.

The dismissal of the *Farr* case represents the last of the personal injury/wrongful death cases that have been filed against Kustom Signals Inc. by law enforcement personnel who alleged they developed cancer through the operation of a traffic radar device. Despite being sued over 20 times for such claims, not one case resulted in the payment of any settlement money or any judgment to any plaintiff in a Kustom Signals Inc. case.

MARK OIUM

O'Connor, Cohn, Dillon & Barr  
San Francisco

### Gun shots, 1

To the editor:

Your May 15, 1996, issue just reached me. As a journalist, I hold LEN in high regard. But the story on "CDC calls a ceasefire to research on gun injuries" embarrasses me.

When I first became a journalist, the first rule I learned was to use names and get them right. Second was, dig until you get a factual balance. I'm afraid your article fails on both counts.

It is obviously sympathetic to Dr. Arthur Kellerman, director of Emory University's Center for Injury Control, lamenting at length his plight on losing CDC funding. It truthfully says Kellerman's research "has been harshly criticized by gun-ownership advocates."

Then it refers to Dr. Gary "Fleck" (real name Kleck), whose study suggests firearms are used in self-defense 2.5 million times a year. But then it ends with an unsubstantiated statement of dubious veracity: "The scientific establishment, including the CDC, has criticized Fleck's research as statistically unsound."

Dr. Kleck's study underwent extensive peer review and was found to be quite sound. Did you know that Dr. Kleck favored gun control when he started, but reported his research honestly? I also submit to you that Dr. Kleck's study won the 1993 Michael Hindelang Award given by the American Society of Criminologists for the most outstanding contribution to criminology in the past years. Obviously, his peers are questioning his work, but praising it.

I am unaware of any peer review or honors accorded to Dr. Kellerman's work. Publication in the infamous *New England Journal of Medicine* is hardly what I'd call a "recommendation."

BILL CLEDE  
Wethersfield, Conn.

### Gun shots, 2

To the editor:

Say what?!!!! I could scarcely believe my eyes when I read Law En-

forcement News's article (May 15, 1996) reporting the decision of the Centers for Disease Control to terminate funding for research on firearms injuries. Deaths from shootings are near epidemic proportions in this country, especially among the nation's youth, yet an institution devoted to understanding the causes of death turns its back on the gun menace. It is as if environmentalists Ralph Nader were to announce that he was no longer interested in the role of automobiles in causing air pollution.

I smell a rat — the National Rifle Association. The NRA despises research which might further demonstrate the lethal impact of widespread gun availability in this country, and it surely must be using its substantial political clout to intimidate the CDC, which is dependent on Federal financing to do its work. It is bad enough that lawmakers are so cowed by the NRA that we cannot even get sales of assault weapons banned; it is even worse when the scholarly community capitulates to such pressure. How disturbing it is that the narrowly focused gun lobby has the power to undermine continued explorations of the already demonstrated nexus between guns and death. It is time for the Centers for Disease Control to stick to its guns (forgive the pun). Firearms research must be returned to its rightful spot on the CDC agenda.

JAMES P. LEVINE  
Executive Officer

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## DoJ hits NYPD with sex-harass suit

The U.S. Justice Department on June 7 filed its first-ever sexual harassment lawsuit against the New York City Police Department, charging that former Officer Sheryll Goff was subjected to years of abuse by male peers.

The suit alleges that from 1989 to 1992, the time Goff was assigned to the 110th Precinct in Queens, male officers made sexually explicit comments to the 31-year-old officer, watched pornographic movies in the precinct lounge and tacked explicit centerfolds to her locker. Goff also charged that when she was in the field, officers jammed their radios, making it impossible for her transmit.

Her repeated complaints to supervisors were ignored, she charges, even though she filed official grievances. In

July 1992, Goff was transferred to the 106th Precinct, also in Queens. She has since retired on a disability pension for an ankle injury.

Goff's lawyer, Phillip Seelig, said the Justice Department filed suit only after trying unsuccessfully to negotiate a compromise with Police Department officials. "It appears as though they [police brass] prefer to stonewall the effort and keep business as usual," he said. "We think that needs to change."

The former commander of the 110th Precinct, Deputy Inspector Hugh Sleser, was transferred in October 1992 after Goff and another female officer filed harassment complaints.

A Police Department spokeswoman said the agency's lawyers had not yet seen the suit and could not comment.



# DC police look for gains in uphill struggle

Continued from Page 1

longer response times, which had stretched to 7.2 minutes in 1995 compared to 6.7 minutes in 1994.

"We've been putting this stuff together with paper clips on some of these vehicles," Soulsby said of the department's battered fleet.

The Chief said that 75 cars ordered earlier this year were to be delivered this month, with the rest to follow in the fall. The new vehicles will be computer-equipped, allowing officers to check criminal records in the field.

Soulsby said he would use \$3 million of the \$15 million approved by Congress to restore cuts in police officers' salaries as soon as possible — an action urged by Holder earlier this

year. While all city employees saw their paychecks shrink, police officers were also prohibited from earning overtime pay — which many depended upon for extra income. Soulsby said

council member who sponsored the legislation permitting officers to work more hours at outside jobs.

"I really see a shining future for us in the next 12 months," Soulsby told

fluence over police matters, particularly in personnel matters. Others point to a 3-percent increase in crime this year as proof of the department's — and Soulsby's — flailing efforts.

tee, which oversees the Police Department, characterized Soulsby's performance so far as "uneven."

"The bottom line is, are our streets safer?" Lightfoot said. "Crime is up in certain categories. I can't blame him for all of that, but the buck has to stop somewhere."

The Chief retains some staunch supporters who argue that he can't be held entirely accountable for the problems of an agency that has been in disarray for years. "Whoever heard of not even having tires for police cars? He's faced the kinds of things that could crush most people," said former D.C. police chief Isaac Fulwood Jr.

Soulsby acknowledged the criticism, but appeared to dismiss them as just part of the job. "You're not able to make mistakes," he told The Post. "Any mistake you make, no matter how minor, is magnified to the nth degree."

**"He's faced the kinds of things that could crush most people."**

— Former Washington police chief Isaac Fulwood Jr., assessing the performance of incumbent chief Larry Soulsby

that overtime would not be restored immediately.

The District Council also seems eager to help cash-strapped officers. Last month, it approved an increase on the time limits under which officers can work second jobs and also voted to allow officers to work as cab drivers. "We have to recognize that police officers perform a special function in our society," said Bill Lightfoot, the

The Washington Post earlier this month.

And while the Chief said the department has endured its "darkest hours" during his first 11 months in office, Soulsby himself has come under mounting criticism by some who say he has yet to prove he can turn the agency around. Others fault him for not putting enough distance between the department and Mayor Marion Barry, who they believe exerts too much in-

One critic, Carl T. Rowan Jr., a former FBI agent and current member of the Alliance for Public Safety, which supports putting the department under the control of a public safety commission, has publicly called for Soulsby to quit or be fired. "As a glad-hander, he's done a good job. On substance, he's been miserable."

Lightfoot, the council member who chairs the body's Judiciary Commit-

## A little CPR for New York & its police

Continued from Page 1

brutality and unjustifiable force are "widespread problems" for the NYPD. Safir, who met with officials from the group, called the report "statistically inaccurate."

In a video that will be shown at precinct houses, Safir and other police officials, as well as Louis Matarazzo, the president of the Patrolmen's Benevolent Association, stress that respect and courtesy are as much a part of policing as toughness. In the video, Safir tells officers, "Respect: To get it, you have to earn it."

The department will also wage a public relations campaign complete with posters, bumper stickers and radio and television announcements. The campaign will highlight the abbrevia-

tion "C.P.R." — for courtesy, professionalism and respect.

One poster depicts a friendly white officer giving directions to a black youth carrying a basketball. In an-

other, a multi-ethnic group of NYPD personnel is shown along with the caption: "Everybody in New York; Black, White, Yellow or Blue Could Use A Little C.P.R."

### A Special Invitation to LEN Readers

## Conference on Criminal Justice Education

October 3 - 5, 1996

John Jay College of Criminal Justice

The City University of New York

This conference will explore the current state of criminal justice education from a wide variety of perspectives. The conference will feature a range of presentations including panels, workshops, demonstrations, multi-media displays and poster sessions. Come hear colleagues whose teaching, research, practice, study and experience advance and strengthen criminal justice education. Prospective conference panels address:

- The relationship between the university and criminal justice agencies
- Teaching criminal justice: Innovative approaches and new technologies
- The role of academic research in criminal justice practice
- Criminal justice education in a liberal arts setting
- Associate, baccalaureate, masters and doctoral degrees in criminal justice
- Teaching criminal justice ethics in the classroom and on the job
- International and comparative criminal justice education
- Issues of race, gender and ethnicity in criminal justice education and training
- The forensic sciences in criminal justice education
- Alumni retrospectives on criminal justice programs

For more information, contact:

Dr. Patrick O'Hara  
Criminal Justice Education Conference Coordinator  
John Jay College of Criminal Justice  
445 West 59th Street  
New York, NY 10019  
212-237-8056; Fax: 212-237-8742

The all-inclusive conference fee of \$60 (\$20 for students) covers Thursday's opening reception, Friday's luncheon and early evening hors d'oeuvres, as well as all panels, plenaries and poster sessions. Plan to attend this rich gathering of criminal justice educators and professionals. Join us this October in the heart of Manhattan, just steps from the best of what New York offers, at the most glorious time of the year.

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LEN-63096



# Upcoming Events

## AUGUST

**19-23. Police Firearms Instructor Development School.** Presented by the National Rifle Association. Pierre, S.O.

**19-23. Homicide Investigation.** Presented by the Institute of Police Technology & Management. St. Petersburg, Fla. \$495.

**19-23. Developing Law Enforcement Managers.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**19-23. Computerized Collision Diagramming.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$695.

**19-23. Inspection & Investigation of Commercial Vehicle Accidents.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**19-23. Narcotic Identification & Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**19-23. Police Traffic Radar Instructor.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**19-23. International Homicide Investigation Seminar.** Presented by Hocking College. Columbus, Ohio. \$425.

**21-22. Investigative Techniques.** Presented by Hutchinson Law Enforcement Training, LLC. Concord, Mass.

**21-23. Street Survival '96.** Presented by Calibre Press. Monroeville, Pa. \$179/\$155/\$105.

**26-28. Police Traffic Laser Instructor.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$325.

**26-30. Police Firearms Instructor Development School.** Presented by the National Rifle Association. Redmond, Ore.

**26-30. Bus Accident Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**26-30. OWI Instructor.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**26-30. Advanced Traffic Accident Reconstruction with the Use of Microcomputers.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$795.

**28-30. Threat Management Conference.** Presented by the Association of Threat Assessment Professionals. Anaheim, Calif. \$350/\$400.

**29-31. Street Survival '96.** Presented by Calibre Press. Hartford, Conn. \$179/\$155/\$105.

## SEPTEMBER

**4-6. Deadly Physical Force — Police-Involved Shootings.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$450.

**4-6. Vice Crimes: Investigation & Prosecution.** Presented by Rollins College. Orlando, Fla. \$295.

**4-6. Field Training Program for Communications Officers.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$375.

**5-6. Supervising the Problem Employee.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$275.

**5-7. Communities, Crime & Justice: Making Community Partnerships Work.** Presented by the Institute for Law & Justice for the U.S. Office of Justice Programs. Arlington, Va.

**7-8. Instructional Skills for Self-Defense & Firearms Instructors.** Presented by Hocking College. Nelsonville, Ohio.

**9. Stress Management for the Public Safety Professional.** Presented by Frederickson Consulting Inc. Ypsilanti, Mich.

**9. Police Media Relations.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$225.

**9-11. Drug-Trak IV Training.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$395.

**9-11. Symposium on Integrated Justice Information Systems.** Presented by SEARCH, The National Consortium for Justice Information & Statistics. Washington, D.C.

**9-13. International Homicide Investigation Seminar.** Presented by Hocking College. Scottsdale, Ariz. \$450.

**9-13. Forensic Art: Comprehensive Composite Drawing.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$550.

**9-13. Forensic Art: Facial Reconstruction on the Skull for Identification.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$550.

**9-13. Police Firearms Instructor Development School.** Presented by the National Rifle Association. Topeka, Kan.

**9-13. Police Firearms Instructor Development School.** Presented by the National Rifle Association. Hamilton, Mont.

**9-13. Police Firearms Instructor Development School.** Presented by the National

Rifle Association. Boise, Idaho.

**9-13. Law Enforcement Tactical Shooting Instructor Development School.** Presented by the National Rifle Association. Castle Rock, Colo.

**9-13. Police Internal Affairs.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**9-13. Sex Crimes Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

**9-13. Inspection & Investigation of Commercial Vehicle Accidents.** Presented by the Institute of Police Technology & Management. Tallahassee, Fla. \$495.

**9-20. Accident Investigation I.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$600.

**9-20. Supervision of Police Personnel.** Presented by the Northwestern University Traffic Institute. Evanston, Ill. \$800.

**9-20. At-Scene Traffic Accident/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$595.

## For further information:

(Addresses & phone/fax numbers for organizations listed in calendar of events.)

**Arizona Auto Theft Investigator's Association,** c/o Sgt. Joe Brosius, Tempe Police Department, 120 E. 5th St., Tempe, AZ 85281. (602) 858-6205.

**Association of Threat Assessment Professionals,** c/o Los Angeles Police Department, Threat Management Unit, (213) 893-8339.

**Calibre Press,** 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727. (800) 323-0037.

**Davis & Associates,** P.O. Box 6725, Laguna Niguel, CA 92607. (714) 495-8334.

**Executive Protection Institute,** Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611. (703) 955-1128.

**FitForce,** 1607 N. Market St., P.O. Box 5076, Champaign, IL 61825-5076. (217) 351-5076. Fax: (217) 351-2674.

**Frederickson Consulting Inc.,** 541 W. 98th St., #345, Minneapolis, MN 55420. (612) 884-0249. Fax: (612) 884-2485.

**Hocking College,** Attn: Deb Fraunfelder, Marketing Services Manager, 3301 Hocking Parkway, Nelsonville, OH 45764-9704. (614) 753-3591, ext. 2112.

**Hutchinson Law Enforcement Training, LLC,** P.O. Box 822, Granby, CT 06035. (203) 653-0788. E-mail: dhutch@net.net. Internet: <http://www.patriotweb.com/hlet>.

**Institute for Law & Justice,** 1018 Duke St., Alexandria, VA 22314. (703) 684-5300. Fax: (703) 739-5533. E-mail: nijpcs@ilj.org.

**Institute for Management & Police Effectiveness,** P.O. Box 20562, Mesa, AZ 85277-0562. (602) 641-8835. Fax: (602) 641-4624.

**Institute of Criminal Justice Studies,** Southwest Texas State University, West Campus, Canyon Hall, San Marcos, TX 78666-4610. (512) 245-3030. Fax: (512) 245-2834.

**Institute of Police Technology & Management,** University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216. (904) 646-2722.

**International Association of Law Enforcement Planners,** c/o Kate Brehe, St. Louis County Police Department, 7900 Forsyth Blvd., St. Louis, MO 63105. (314) 889-2824. Fax: (314) 889-3316. Internet: <http://www.dps.state.ak.us/ialep>.

**Investigators Drug School,** P.O. Box 1739,

Fort Lauderdale, FL 33312. Fax: (305) 753-9493.

**Justice Research Institute,** 6548 N. Sheridan Rd., Chicago, IL 60628. (312) 761-8311. Fax: (312) 761-8392.

**Justice Research & Statistics Association,** 444 N. Capitol St., NW, Suite 445, Washington, DC 20001. (202) 624-8560. Fax: (202) 624-5269.

**LEVA,** c/o Susan Krawczyk, Dallas Police Department Media Unit, (214) 670-7560.

**Midwestern Criminal Justice Association,** c/o Nick Meier, Kalamazoo Valley Community College, P.O. Box 4070, Kalamazoo, MI 49003. (616) 372-5295. Fax: (616) 372-5458.

**Modern Warrior Defensive Tactics Institute,** 711 N. Wellwood Ave., Lindenhurst, NY 11757. (516) 226-8383.

**National Association for Civilian Oversight of Law Enforcement,** 9420 Annapolis Rd., Suite 302, Lanham, MD 20706. (301) 731-5808. Fax: (301) 794-0264.

**National Rifle Association,** Law Enforcement Activities Division, 11250 Waples Mill Rd., Fairfax, VA 22030. (703) 267-1640.

**New York State Division of Criminal Justice Services,** Bureau for Municipal Police, Executive Park Tower, Stuyvesant Plaza, Albany, NY 12203-3764. (518) 485-1415.

**Northwestern University Traffic Institute,** 555 Clark St., P.O. Box 1409, Evanston, IL 60204. (800) 323-4011.

**Bruce T. Olson, Ph.D.,** P.O. Box 1690, Modesto, CA 95353-1690. (209) 527-0966. Fax: (209) 527-2287.

**Rollins College, Public Safety Institute,** 1000 Holt Ave., #2728, Winter Park, FL 32789-4499. (407) 647-6080. Fax: (407) 647-3828.

**SEARCH,** 7311 Greenhaven Dr., Suite 145, Sacramento, CA 95831. (916) 392-2550.

**Southwestern Law Enforcement Institute,** P.O. Box 830707, Richardson, TX 75083-0707. (214) 883-2376. Fax: (214) 883-2458.

**Suffolk County Police Department,** Robbery Section, c/o Det. Lieut. John Horan, (516) 852-6176.

**Youth Change,** 275 N. 3rd St., Woodburn, OR 97071. 1-800-545-5736.

## SECURITY MANAGEMENT INSTITUTE

Criminal Justice Center

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### ANNOUNCES TWO EXCITING PROGRAMS FOR SECURITY PROFESSIONALS

#### August 26 - 29, 1996 = VIP & EXECUTIVE PROTECTION TRAINING

This is a four-day hands-on program based on the practices of the United States Secret Service and the New York City Police Department. The training will be conducted by retired Secret Service Agents and Police Commanders. Topical areas presented will include:

*Skills necessary to conduct advance site preparation  
Overview of hostage, kidnap and extortion  
Review of technical and tactical possibilities  
Analysis of events and trends  
Legal considerations  
Workplace violence*

Advanced registration and payment required. This program is limited to thirty participants. \$525 per person tuition for this program includes resource material, refreshments and certificate of completion. Group discounts available. Complete form below or call (212) 237-8638.

#### September 9 - December 2, 1996 = 36th PROFESSIONAL SECURITY MANAGEMENT COURSE (emphasis on preparing for the CPP Examination administered by ASIS)

This eleven week (44 hour) program particularly stresses the testing areas outlined by the ASIS Professional Certification Program. In addition to the mandatory test areas we have expanded the number of hours devoted to legal aspects and also present information on Security Technology, Bomb Threats and Terrorism, and Labor Relations. A practice examination is included.

This course has prepared individuals to sit for the CPP exam, prepares for advancement in the security profession; prepares for transition to a security career, prepares non-security managers to cope more effectively with security related issues and problems. Certificates awarded.

\$375. Advanced registration per person tuition for this program includes resource material and refreshments. Payment at the door will be \$400. Complete form below or call (212) 237-8638.

#### REGISTRATION FORM (copy as needed)

Please register the following individual for the ☐ VIP & Executive Protection Training ☐ 36th Professional Security Management Course (please check one) at John Jay College of Criminal Justice. 899 Tenth Avenue, New York, NY 10019, Room 636T.

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Telephone \_\_\_\_\_

Tuition of \$525.00 per registrant for the VIP & Executive Protection Training and \$375.00 per registrant for the 36th Professional Security Management Course. Cancellation less than two (2) weeks prior to starting date subject to 15% service charge.

#### TAX DEDUCTIONS OF EXPENSES:

An income tax deduction may be allowed for educational expenses undertaken to maintain or improve professional skills. (See Treas. Reg. 1.162-5 Coughlin v. Comm. 203 F.2d 307.)



## How many strikes and you're out?

A unanimous California Supreme Court says a judge can disregard a defendant's prior convictions if a mandatory 'third-strike' sentence would be too cruel. **Page 1.**

## Policy under pressure:

Confronted with the twin drug-related crises of AIDS transmission and crime, Baltimore gets results with some unconventional drug-policy approaches. The city's mayor explains how. **Forum, Page 8.**

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